



REA News Update

REA Program Moves to DTSC

No Program Impacts Foreseen

On January 1, 2003, the REA Program will transfer from the Office of Environmental Health Hazard Assessment to the Department of Toxic Substances Control (DTSC). This transfer results from the recent passage of Senate Bill 1011, which was approved by the Governor on September 17, 2002.

The move of the REA program to DTSC has been anticipated for several years. In an analysis conducted by Cal/EPA, the location of the REA program in OEHHA was noted as one of the constraints on greater acceptance of the REA by regulatory agencies.

DTSC is the Cal/EPA department responsible for regulating hazardous waste, hazardous waste sites, and hazardous waste facilities. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing

and promoting pollution prevention. Because the goals of DTSC match the goals of the REA Program, DTSC is a better "home" for the REA Program. As part of DTSC, REA Program staff will be able to utilize DTSC's experience, resources and ongoing relationship with the hazardous waste industry to expand and market the REA program.

This is the third move for the REA Program, having originally existed in the Office of the Secretary of Cal/EPA until 1994. The program was transferred to OEHHA at that time following a reorganization of Cal/EPA.



The REA program moves to DTSC in January 2003

The transfer of all program resources will occur in a manner that should appear seamless to program registrants. Current REA Program staff will transfer to DTSC and will continue to administer the REA Program.

Please direct any questions regarding the transfer to the REA mailbox at its new address: rea_mailbox@dtsc.ca.gov or call us at (916) 324-6881. A link to the mailbox will also be placed on the REA website.

Program Roundup

This is the last REA News Update to be issued under the Office of Environmental Health Hazard Assessment oversight. We have been planning the move of all program assets, files and staff to DTSC for the past two months to ensure a seamless and transparent move. Following the transfer, the REA program will continue to provide the same service to all registrants as we have in the past, with the same staff.

The REA program remained active since the

last newsletter was released. We participated in a number of conferences to provide information about the REA registration to environmental professionals and the regulated community. We continue to register individuals as both REA I and REA II. During the past six months we have registered over 90 applicants as REAs and have recently seen an upsurge in interest in registration.

The REA program wishes you a happy holiday season and a prosperous new year!

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Special points of interest:

- REA mailing and email addresses changing
- DTSC provides new SB 14 reporting information
- The REA program's audit authority has expanded to include the REA I
- REA II's must ensure all certified documents comply regulatory requirements

Audit and Enforcement Authority Extended to REA Is

Current statute allows the REA Program to audit the work performed by REA IIs. Senate Bill (SB) 1011 amends Health and Safety Code section 25570.3(k) to extend the audit authority of the REA Program to include work performed by the REA I as follows:

“The director may perform periodic audits of work performed and certified by an environmental assessor, as necessary, to ensure the desired standard of performance. A registered environmental assessor shall provide an authorized representative of the director with complete access, at any reasonable hour of the day, to all technical data, reports, records, environmental samples, photographs, maps and files used in preparation of certified reports, with the exception of proprietary or other confidential information.”

In addition, SB 1011 amends Health and Safety Code section 25570.3(l) to extend the REA Program’s enforcement authority to REA I’s:

“The director shall deny, suspend, or rescind an environmental assessor’s registration when an assessor’s performance falls below the minimum required standards of performance adopted pursuant to subdivision (a) and Section 25395.15, as determined by an audit conducted by an authorized representative of the director pursuant to subdivision (k) or Section 25395.12. In addition to a failure to meet the minimum standards of performance adopted pursuant to subdivision (a) and Section 25395.15, any one of the following findings shall be sufficient grounds for the denial, suspension, or rescission of a registration:

- (1) Gross negligence.
- (2) Inexcusable neglect of duty.
- (3) Intentional misrepresentation of laboratory data or other intentional fraud.
- (4) Charging for services not rendered, or for performing services that are not reasonably necessary.
- (5) Abandonment of any client, except for instances involving the nonpayment of fees for services rendered.
- (6) Conviction of a felony or misdemeanor involving the regulation of hazardous wastes, hazardous substances, or hazardous materials, including, but not limited to, a conviction of a felony or misdemeanor under Section 25395.13.
- (7) Conviction of a felony or misdemeanor involving moral turpitude.
- (8) Knowingly making a false statement regarding a material fact or knowingly fail to disclose a material fact in connection with an application for registration.”

The amendment clarifies the program’s authority to police the work conducted by the registrants. The amendment applies to all activities conducted by the assessor where the work product is signed and certified by the REA.

Air Toxics Hot Spots

OEHHA has announced the availability of updated Program Risk Assessment Guidelines, Part II: Technical Support Document for Using Cancer Potency Factors. The new guidelines are available at: www.oehha.ca.gov/air/cancer_guide/TSD2.html

Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14)

REAs and SB 14

REAs providing consultation to companies that are covered by the requirements of The Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14) may be called upon to assist clients in meeting next year’s September 1 deadline to prepare source reduction documents.

With the goal of reducing the generation of hazardous waste at the front-end of the process, SB 14 requires generators to identify their major hazardous waste streams, evaluate and select source reduction alternatives, set goals, and to prepare three documents by September 1, 2003.

The three documents required by SB 14 include the Source Reduction Evaluation Review and Plan (Plan), the Hazardous Waste Management Performance Report (Report), and the Summary Progress Report. The Plan discusses the generators’ hazardous waste planning efforts. The Report records the generator’s source reduction accomplishments during the last four year period. The Summary Progress Report is the only one required to be prepared and submitted to the Department of Toxic Substances Control (DTSC) by the same September 1, 2003 deadline.



The above mentioned Plans and Reports must be certified by specified individuals. Title 22 of the California Code of Regulations, section 67100.13, lists REAs as one of the qualified individuals who may certify these source reduction documents.

Who is covered under SB 14?

SB 14 applies to larger hazardous waste generators whose facilities generate 12,000 kilograms or more of routinely generated hazardous waste. This includes hazardous wastewater pre-treated on site prior to disposal to the sewer. SB 14 also applies to facilities routinely generating greater than 12 kilograms of extremely hazardous waste.

For more information:

Please contact DTSC at (916) 322-3670 for an SB 14 Guidance Manual and for other pollution prevention documents or information. You may also visit DTSC’s web site at www.dtsc.ca.gov for the Guidance Manual as well as other pollution prevention publications.

Program Outreach

The REA Program is mandated to provide outreach to small and mid-sized businesses to link them to environmental professionals conducting activities for the regulated community. We also disseminate information to other stakeholder groups to apprise them of the activities conducted by registrants and the requirements for registration. We have had a busy year exhibiting and presenting at numerous conferences including:

- The California Association of Realtors Annual Convention
- California ARB Cross Media Symposium
- Professional Soil Scientists of California Annual Conference
- Battelle Conference on the Remediation of Chlorinated and Recalcitrant Compounds
- The 7th World Congress on Environmental Health
- Continuing Challenge Conference for Emergency Responders
- The Entech West '02 Environmental Conference
- The League of California Cities 2002 Annual Exposition, and
- The California Water Environment Association Annual Conference

Our 2003 schedule looks to be as busy as this past year. The back of this newsletter and our website list future conferences that we will be attending. Hopefully many of you will also be able to attend some of these conferences and visit our outreach booth. You can contact the REA program if you have information regarding a conference that may be of interest to us.

Phase I Site Assessments

Several questions have been received regarding the preparation and content of the Phase I Environmental Site Assessment (ESA). The ESA is often the primary means used by many individuals and institutions to evaluate properties for acquisition or development, and often provides the foundation for investigation of environmental problems. An ESA is a detailed evaluation designed to identify environmental conditions that may present a hazard to users of the property or the environment. Typically an ESA is conducted using standard practices developed by the American Society for Testing and Materials. The REA program encourages all assessors to review these documents available from www.astm.org.

When conducting the **records review** the REA should obtain all publicly available, relevant documents accessible within a reasonable time and at a reasonable cost. Documents may include: government environmental files, physical setting reports, historical use records, and any prior assessments. You may also desire to review reports on adjacent properties to assess the possibility that problems at another site may affect the subject property.

The REA performs a **site reconnaissance** to visually observe indications of environmental conditions in connection with the property. The assessor should visually observe the property, its periphery, and any structure located on the property, to the extent possible. Sampling is typically not required.

The REA should **interview** owners, occupants and local government officials to obtain information indicating recognized environmental conditions, the property uses and conditions, and to obtain information about past inspections, complaints, or incidents in connection with the property.

The **ESA report** of findings should thoroughly document all investigations and evaluations conducted during the ESA. While the report format may vary among REAs, the following information should, at a minimum, be included:

- Summary
- Introduction
- Site description
- Records review
- Information obtained from the site reconnaissance and interviews
- Findings and conclusions
- Signatures and REA stamp, and,
- Qualifications of participating professionals

REA II Report Responsibilities

The REA program has received feedback from regulatory agencies and client groups regarding the activities of the REA II registrants. In general, what we have received has been favorable, with most respondents indicating that the REA II registrants have performed in a professional, competent manner. We still find it appropriate to remind all REAs that they are required by regulation and professional ethics to ensure that all work is conducted pursuant to the regulations contained in Title 14 California Code of Regulations, Chapter 3, Sections 19038 and 19041. We encourage all REA II's to review these pertinent regulatory sections.

Signing or certifying a report with the REA seal places the product within the regulatory jurisdiction of the REA program, even though the document may not have been prepared for submission to a Cal/EPA Board or Department or a local environmental regulatory agency for review. Failure to ensure compliance with all regulatory requirements, especially knowingly making materially false or inaccurate statements in any record, report, plan, file or log signed by the REA II may result in disciplinary action.

Toxic Mold Limits

SB 732, the Toxic Mold Protection Act of 2001 requires that the Department of Health Services (DHS) determine the feasibility of adopting exposure limits for indoor molds and standards for the remediation of mold. DHS, with the assistance of a task force comprised of volunteer stakeholders, will also assess the need for standards for mold assessment and remediation professionals. For more information, you can access DHS' Indoor Air Quality website at www.cal-iaq.org. This site contains Information Sheets plus links to other web sites with information related to mold and other indoor air contaminants. You can also contact the Indoor Air Quality Assistance Line at 510-540-2476



REGISTERED ENVIRONMENTAL ASSESSOR PROGRAM

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*Serving the needs of California through
identifying qualified environmental professionals*

Visit us on the web at:
www.rea.ca.gov

RE A C A L E N D A R

JANUARY 2003

January 1

The REA program transfers to DTSC

REA program mailing address and email
address change (see above)

FEBRUARY 2003

February 4—6

Cal/CUPA Forum 5th Annual Conference

Anaheim Marriott Hotel, Anaheim, CA

www.calcupa.net

APRIL 2003

April 2—4

California Environmental Health Association

Napa Valley Marriott Hotel & Spa

www.ceha.org

April 22—26

California Water Environment Association (CWEA) Annual Conference

Ontario Convention Center, Ontario, CA

www.cwea.org

MAY 2003

May 15

Approximate date for REA I annual fee
invoices

May 27—29

California Air Resources Board Cross
Media Enforcement Symposium

San Diego Marriott Hotel & Marina

www.arb.ca.gov/training/enfsym.htm

JUNE 2003

June 30

REA I annual fees due